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details. But in any jurisdiction, whatever the form of practice, there can be no clear understanding of the system of substantive equitable rights without an acquaintance with the system of forms and remedies by which these rights were enforced during the period of their origin and development, and by which their character was to so large an extent determined. The standard writers upon this subject have devoted themselves quite exclusively to equity pleading, paying little attention to that other closely allied topic, equity practice, which the present author considers at length. Many of the recent works have been either local in their character or given up almost entirely to the procedure in the federal courts. There is thus a real opportunity for a general modern treatise of the scope of the present book.

The author with considerable thoroughness and detail traces the entire course of proceedings in chancery, from the inception to the termination of the suit, according to the principles and procedure of the English chancery as they are administered in this country, uninfluenced by local modifications. Each stage of the several different phases that the suit may develop is carefully outlined, and illustrative forms or precedents are given at almost every step, though these forms are perhaps too commonly taken from local Illinois practice to be of very general usefulness. The chapter on parties is worthy of special mention, by way of example, as a well-analyzed treatment of a difficult and rather complicated subject. In the later part of the book the writer gives considerable attention to the different forms of bills, both original and supplemental, as they are classified from the point of view of procedure. Each different class of bills is treated in a separate chapter, and its essential characteristics are pointed out and distinguished. This part of the work appears to be of especial value.

A thorough collection of American citations and an appendix, containing the Ordinances of Chancellor Bacon and the rules of practice for the United States courts of equity, complete the volume. In this book Professor Fletcher has given us a well-planned, well-written, and practical treatise which deals with a complicated and highly developed subject in an interesting and thoughtful manner. It ought to prove a helpful assistant in the preparation and prosecution of suits in chancery in any jurisdiction.

W. H. H.

THE *ENCYCLOPÆDIA OF EVIDENCE*. Edited by Edgar W. Camp. Vol. I. Los Angeles: L. D. Powell Company. 1902. pp. 1020. 8vo.

At this time when encyclopædias of general law have amply justified themselves to the profession, it is interesting to note the appearance of the initial volume of an encyclopædia that is to confine itself to a single division of the law. The subject of Evidence, with which exclusively the new work is to deal, seems peculiarly deserving of this mode of treatment, since it extends so broadly into every field. The editor, Mr. Camp, has recognized the difficulty of handling the subject as a thing by itself, and he has therefore classified his material under the topics of the substantive law, indicating under each topic the various points that might possibly have an evidential bearing on it. He states in his preface that he has endeavored to include all the law of evidence — using the term in its broadest sense — and to exclude everything that would not generally be discussed in connection with that subject. To realize this latter object has been necessarily a delicate and trying task, and the work promises on completion to swell almost to the proportions of an encyclopædia of general law. Many topics are included which bear but slightly on Evidence. For example, under each crime are stated not only the several elements that constitute the crime, but also the various justifications and other defenses. However, as the prime requisite in a work of this kind is completeness, the presence of some seemingly irrelevant matter may well be pardoned.

Considering the purpose the work is designed to serve, it is wise that the editor has in general refrained from presenting original theories. Nor is it

much to be regretted that he has not ordinarily ventured any expressions of personal preference as between opposing views. But in some places in the volume there are manifest a defective analysis of subject-matter and an obscure arrangement of sub-topics, which must tend to impair the usefulness of the work for reference purposes. Thus true conflicts of authority are sometimes not clearly noted. For example, under the heading of Adverse Possession, no notice is taken of the conflict of authority on the question whether there is adverse possession when land is held by mistake. Instead there is merely a confusing attempt to distinguish cases which are in reality irreconcilable. See pp. 695 and 696, citing *French v. Pearce*, 8 Conn. 439, and *Grube v. Wells*, 34 Iowa, 148. Another fault of similar character is exemplified under the same topic. Reputation is treated in an apparently contradictory manner, first under "Proof of Open and Adverse Use" and then as a separate heading, and yet the fact of this double treatment is not indicated in either place.

Such minor defects, however, are much more than counterbalanced by many excellent features. The burden of proof is pointed out in all cases and all presumptions are carefully stated. The citations represent almost all jurisdictions, and are supplemented by pregnant quotations from leading cases. References are given not only to the state reports, but also to the National Reporter System and to the American Reports and Decisions. The cross-references are full and clear. The encyclopædia will fill a unique position among the works on Evidence, and can hardly fail to meet with ready appreciation from lawyers.

A TREATISE ON THE LAW OF BANKS AND BANKING. By John T. Morse, Jr. Fourth edition. By Frank Parsons. Boston: Little, Brown, and Company. 1903. 2 vols. pp. cv, 1-743; 744-1490. 8vo.

Until the publication of the first edition of this work, in 1870, the law of banks and banking had not been developed beyond an unclassified mass of decisions. Mr. Morse's book not only collected the cases and arranged them under appropriate headings, but met the practical needs of bankers as well as lawyers by a concise but adequate statement of principles. The work in each of its three previous editions has been regarded by the courts as the standard authority in its field.

What development there has been in the law since the appearance of the third edition, in 1888, would not perhaps of itself warrant a further revision, especially as there are other later treatises. Nevertheless the fact that the editor has found it desirable to add as many new cases as were cited altogether in the original work, shows that the subject is even now by no means free from uncertainty and consequent litigation. The usefulness of the book has been further increased by the addition of citations to the National Reporter System, and by references to Minor's recent treatise on the "Conflict of Laws." The national banking acts since 1888 have also been added, together with such constructions as the courts have placed upon them. In these additions must be found the chief value of the present revision.

The text proper and the foot-notes remain unchanged, except for comparatively slight additions amounting to eighty-four pages in all in a work of fifteen hundred. As in the earlier editions, an outline of each chapter at its beginning and a complete index of the entire work make the subject-matter readily accessible.

It is perhaps a source of regret that in a work otherwise so complete the editor has not made a closer analysis of some doctrines which, while well established, are difficult to explain upon fundamental principles. The familiar rule, for instance, that a deposit by A in the name of B creates a debt from the bank to B, is dismissed with a bare statement, although, in jurisdictions where the sole beneficiary is not allowed to sue at law, B's right of action seems hard to explain, unless perhaps on the ground that the entry on the books of the bank constitutes an obligation in the nature of a specialty. Where there is a serious